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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/630,714	07/31/2003	Keisuke Yoshida	1046.1297	1592
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STAAS & HALSEY LLP SUITE 700 1201 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005				
			EXAMINER BATAILLE, PIERRE MICHE	
			ART UNIT 2186	PAPER NUMBER

DATE MAILED: 07/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/630,714

Applicant(s)

YOSHIDA, KEISUKE

Examiner

Pierre-Michel Bataille

Art Unit

2186

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 May 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. This Office Action is taken in response to applicant's communication filed May 8, 2006 responding to Non-Final rejection dated December 8, 2005. Applicant's amendments and/or arguments have been considered with the results that follow.
2. Claims 1-16 are pending in the application under prosecution.

Response to Arguments

3. Applicant's arguments filed May 8, 2006 with respect to amendments of claims 1, 5, 9, and 13 have been fully considered but they are not persuasive.

Claims 1, 5, 9, and 13 have been amended to further recite "a checking module checking values of the parameters". The background art anticipates the added limitation, at least implicitly. The background art specifies "the user sets a variety of parameters and saves these parameters in a predetermined definition file by utilizing a Window program named Batch98. Then, the user specifies this definition file and starts an install execution program". One having ordinary skill in the art and having familiarity with program installation would have known that the user "setting the a variety of parameters (the definition file)" could easily be designed in any format (including a spreadsheet) and "the user specifying the definition file" before starting the install execution program implicitly corresponds to "verifying whether the right definition file before installation."

The addition of “a checking module checking values of the parameters” to claims 1, 5, 9, and 13, is also anticipated by the applied reference by Wydall (US 6,117,186) because Wydall discloses “Often such a program can check for devices attached to the system, request the user to choose from sets of options”. Such addition is typical in computer software installation as Wydall teaches that installation program can check for devices attached to the system, request the user to choose from sets of options, create a place for the program on the hard disk, and modify system startup files as necessary. Clearly, the Wydall’s system meets the required features disclosing “In a Windows^M environment the installation procedure to include: determining what resources (e.g., DLLs and fonts) have been previously installed (e.g., by other programs), obtaining information about the system, e.g., operating system, hardware components, etc, modifying existing resources, e.g., WIN.INI, SYSTEM.INI, AUTOEXEC.BAT and CONFIG. SYS, and adding new resources, such as program files (executables), data files, DLLs, fonts, OBXs etc.

In view of these remarks, the anticipation by both, Applicant’s Admitted Prio Art and Wydall (US 6,117,186) is proven; the rejection of the claims is maintained and repeated below.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

5. Claims 1, 5, 9, and 13 are rejected under 35 U.S.C. 102(a) as being anticipated by Applicant Admitter Prior Art (AAPA).

With respect to claims 1, 5, 9, and 13, AAPA discloses the invention as claimed, an information processing system comprising: a first storage module storing step information containing parameters (***Windows Batch98 program setting parameters for used by install execution program when installing Windows98 Operating System***); a second storage module storing values of the parameters (***predetermined definition file storing parameters***); and a module executing steps specified by the step information in a way that replaces a parameter of the step information with a value of the parameter (***install execution program on a CD-ROM setting parameters saved in the definition file***). (See pages 2-3.)

6. Claims 1-2, 4-6, 8-10, 12-14, and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by US 6,117,186 (Wydall et al).

With respect to claims 1, 5, 9, and 13, Wydall discloses the invention as claimed, an information processing system comprising: a first storage module storing step information containing parameters (***WIN.INI, SYSTEM.INI, AUTOEXEC.BAT, CONFIG.SYS, executable files run from CD-ROM to control the initial operation of a program***); a second storage module storing values of the parameters (***predetermined data file storing parameters to scale the program such as size***

and rate, e.g. data.mnu or cdnav.ini file or a line in WIN.INI); and a module executing steps specified by the step information in a way that replaces a parameter of the step information with a value of the parameter (**execution program run carrying unstructions to optimize the size and/or frame rate according to specified parameters values**). (See Col. 6, Line 30 to Col. 7, Line 3; Col. 7, Line 33 to Col. 8, Line 44).

With respect to claims 2,4, 6, 8, 10, 12, 14 and 16, Wydall discloses the information system configuring predetermined target system by combining a plurality of subsystems, and the parameters is characteristic information that adapts said subsystem to the target system; and the system accepting values setting with respects to the parameters and the system judging whether the values with the setting accepted can be applied to said target system [Col. 9, Lines 21-45].

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 5, 7, 11, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 6,117,186 (Wydall et al). in view of US 2002/0104019 (Chatani et al).

With respect to claims 5, 7, 11, and 15, Wydall discloses the invention as claimed, but fails to specifically teach the information processing system wherein information is encrypted, and said system comprising a module decrypting the information encrypted. However, Chatani discloses a program product distribution including operating environment data or a set of program use parameters specific to the program, the program use parameters including: variables that encode the limited use constraints of the program, a counter value that serves to count the elapsed time of use of the program with public key/private key encryption system to transmit the product and usage information [abstract; Fig. 3-4]. Therefore it would have been obvious to one of ordinary skill in the art to have included in Wydall's system the encrypted information and a module decrypting the information encrypted because the result would have permitted better control of the distribution of the program enabling unique access rights of the products.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

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shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pierre-Michel Bataille whose telephone number is (571) 272-4178. The examiner can normally be reached on Mon-Fri (8:00A to 4:30P).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew M. Kim can be reached on (571) 272-4182. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Pierre-Michel Bataille
Primary Examiner
Art Unit 2186

July 3, 2006

PIERRE BATAILLE
PRIMARY EXAMINER